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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,905	03/25/2002	Guy Meyer	220897US6 XPCT	8940
22850	7590	04/07/2004	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			MACARTHUR, VICTOR L	
		ART UNIT	PAPER NUMBER	
		3679		

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/088,905	MEYER ET AL.
	Examiner	Art Unit
	Victor MacArthur	3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 06 February 2004.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 18-38 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 32 and 35-38 is/are allowed.  
 6) Claim(s) 18 is/are rejected.  
 7) Claim(s) 19-31, 33 and 34 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 18 is rejected under 35 U.S.C. 102(b) as being anticipated by Hodapp U.S. Patent 3608935.

Claim 18. Hodapp discloses (fig.3) a device for locking a position of a moving part with respect to a fixed part, the moving part (52) being positioned with respect to the fixed part (50) isostatically, the device comprising: means (104), for generating a force opposing a loss of contact of a plurality of points of isostatic contact (points of contact between 52 and 50) between the moving part and the fixed part so as to lock the position.

### ***Allowable Subject Matter***

Claim 32 and 35-38 are allowed.

Claim 32 is allowed for reasons set forth in the previous office action.

Claim 35. Hodapp discloses (fig.3) a device for precisely and repeatedly locking two parts, the device comprising: a fixed part (50) and a female dovetail (72, 76); a moving part (52) and a male dove tail (portion 52 received within 50), such that, when a portion of the moving part is inserted inside a portion of the fixed part, the male dovetail fits substantially inside the

female dovetail and a surface of the fixed part contacts a surface of the moving part; and force generating means (104) for generating a force opposing a loss of contact of a plurality of contact points between the portion of the moving part and the portion of the fixed part so as to lock the parts together. Hodapp does not disclose substantially planar bases in the male and female dovetails contacting each other. Claims 36-38 depend from claim 35 and are similarly allowed.

Claims 19-31, 33 and 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 19. Hodapp does not disclose the claim 19 limitations as detailed in the applicant's arguments. Claims 20 –31, 33 and 34 depend from claim 19 and are similarly objected to.

#### ***Response to Arguments***

Applicant's arguments filed on 02/06/2004 with regard to the claim rejections have been fully considered. The arguments with regard to claim 18 are not persuasive.

The applicant invokes 35 U.S. C. 112, sixth paragraph and argues that Hodapp does not disclose a means for generating a force in accordance with the applicant's specification (p.10, ll.7-20). This is not persuasive the force generating means of Hodapp is also advantageous in that "the orientation of the side (114) and the coefficient of friction of the finger (112) with respect to the side (114) are defined so that only a force tending to compress the elastic element (104) can cause the moving part (52) to move with respect to the fixed part (50), thus avoiding

the possibility of any force, particularly a force the direction of which is denoted (axial direction of 80), being able to cause the moving part (52) to move with respect to the fixed part (50). It is **possible** (though not necessary) to degrade this characteristic slightly by defining the orientation of the side and the coefficient of friction in such a way that, in order to uncouple the dovetails (beveled portions of 50 and 52) without acting on the button (60), it would be necessary to produce a very significant force." Note that the limitation "possible to degrade this characteristic" does not necessarily require any non-parallel forces.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor MacArthur whose telephone number is (703) 305-5701. The examiner can normally be reached on 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on (703) 308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

  
VLM  
March 22, 2004

  
Lynne H. Browne  
Supervisory Patent Examiner  
Technology Center 3600